Single Bench

(C-100)

(3)

IN THE HIGH COURT OF JUDICATURE AT BILASPUR (CG)

W.P.NO. 3892 OF 2004

BETWEEN

Gulab Singh Tomar S/o Late Darbar Singh Tomar, aged about 50 years, occupation Incharge Principal, posted at Govt Hr. Secondary School Bilaigarh District Raipur (CG).

PETITIONER

A N D

1. State of Chhattisgarh,
Through Secretary School Education Department,
D.K.Building, Raipur (CG).

2. The Director,
Public Instructions, Raipur .

3. The Collector, Raipur (CG).

RESPONDENTS

WRIT PETITION UNDER ARTICLES 226/227 OF THE CONSTITUTION OF INDIA

P.R. No. 3897/04
Presented by Shri Arpan Kashyap
dated 4-9-04

5

XI-HC-22

(41)

उच्च न्यायालय, छत्तीसगढ़, बिलासपुर

आदेश पत्रक

मामला क्रमांक W.P.3892/ **सन्** 2004

..... **विरुद्ध** .....

आदेश का दिनांक आदेश क्रमांक सहित	आदेश हस्ताक्षर सहित	कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अन्तिम आदेश

19-4-2005

Mr. Awadh Tripathi, counsel for the petitioner.

Mr. U.N.S. Deo, Govt. Advocate for the State/respondents.

Heard both the counsel.

Return has been filed on behalf of the State/respondents.

By this writ petition under Article 226/227 of the Constitution of India, the petitioner has challenged the legality and propriety of the order dated 16-9-2004 (Annexure P-1), whereby the petitioner has been transferred from Govt. Higher Secondary School, Bilaigarh, District: Raipur to Govt. Higher Secondary School, Dhamdha, District: Durg. It is admitted position that the petitioner is serving at that place for round about five years.

The main argument advanced by learned counsel for the petitioner is that in the Bilaigarh school five posts of Lecturer are sanctioned and only the petitioner is working as Lecturer, and he has already been transferred, if he is relieved from that place, in that case, there will be no teacher and the interest of the students will suffer. Learned counsel submitted that for that reason the petitioner may be allowed to make a representation bringing this fact to the notice of the respondent authorities.

The request made by learned counsel for the petitioner seems bona fide, reasonable and genuine to which learned Govt. Advocate for the State of Chhattisgarh has also no objection.

Having heard learned counsel for the parties and having regard to the facts and circumstances of the case, the petitioner is allowed to make a detailed representation to respondent No.1 within ten days from today raising all his grievances, and in turn, respondent No.1 is directed to consider the representation made by the petitioner and decide the same within a period of three months from the date of the receipt of the representation in an objective

XI-HC-22

उच्च न्यायालय, छत्तीसगढ़, बिलासपुर

(42)

आदेश पत्रक

मामला क्रमांक W.P.3892/ **सन्** **2004**

..... विरुद्ध .....

आदेश का दिनांक आदेश क्रमांक सहित	आदेश हस्ताक्षर सहित - 2 -	कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अन्तिम आदेश
Soma	manner after considering the grievances of the petitioner, in accordance with law. The petitioner should not be relieved till his representation is decided. With the direction aforesaid, the petition stands disposed of. Consequently, M.(W.)P.Nos.4300/2004, 120/2005 and I.A. No.9590/2004 also stand disposed of. Parties are entitled for certified copy of this order. Sd/- L.C. Bhadoo Judge	